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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-161

13 **ARNETT WILLIAM COUNTS, III**
14 **1947 Holmby Ave.**
15 **Los Angeles, CA 90025**
16 **Registered Nurse License No. 670131**

A C C U S A T I O N

Respondent.

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
Department of Consumer Affairs.

20 **Registered Nurse License**

21 2. On or about December 1, 2005, the Board issued Registered Nurse License Number
22 670131 to Arnett William Counts, III ("Respondent"). The registered nurse license was in full
23 force and effect at all times relevant to the charges brought herein and will expire on December
24 31, 2009, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
27 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
28

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), provides that the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,
9 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
10 action during the period within which the license may be renewed, restored, reissued or
11 reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or licensed
14 nurse or deny an application for a certificate or license for any of the following:

15 (f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

17 **COST RECOVERY**

18 7. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **CAUSE FOR DISCIPLINE**

23 **(Criminal Convictions)**

24 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in
25 that Respondent has been convicted of the following crimes that are substantially related to the
26 qualifications, functions, or duties of a licensed registered nurse:

27 a. On November 5, 2008, in the Superior Court, County of Los Angeles, California, in
28 the matter entitled *People v. Arnett William Counts* (2008), Case No. BA319187, Respondent was

1 found guilty by a jury of 10 counts of Penal Code section 597.5, subdivision (a)(1) (the crime of
2 dog fighting), all felonies. The circumstances of the crime are that between January 1, 2007, and
3 March 7, 2007, Respondent unlawfully owned, possessed, kept and trained dogs with the intent
4 that the dogs would engage in an exhibition of fighting with other dogs.

5 b. On November 5, 2008, in the Superior Court, County of Los Angeles, California, in
6 the matter entitled *People v. Arnett William Counts* (2008), Case No. 8IG04788, Respondent was
7 convicted by the court pursuant to a plea agreement of a violation of Penal Code section 415,
8 subdivision (2), a misdemeanor. The circumstances of the crime are that on or about September
9 26, 2008, Respondent maliciously and willfully disturbed another person by loud and
10 unreasonable noise.

11 **PRAYER**


12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 670131, issued to Arnett
15 William Counts, III.

16 2. Ordering Arnett William Counts, III to pay the Board of Registered Nursing the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3; and,

19 3. Taking such other and further action as deemed necessary and proper.
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21

22 DATED: 9/15/09


23 LOUISE R. BAILEY, M.ED., RN
24 Interim Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

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